

REMARKS

Upon entry of this amendment, claims 1-2, 4, and 16-33 will be pending in this application. Claims 3 and 5-15 are cancelled without prejudice. Applicants reserve the right to pursue the cancelled subject matter in one or more divisional and/or continuation applications. Claims 2 and 4 stand allowed.

Claims 1-2 and 4 are amended to conform to proper Markush practice. Claim 1 is also amended as described below.

Claims 16-35 are new. Support for claims 16, 20, and 24 can be found in original claims 9-11. Support for claims 17, 21, 25, 28, and 31 can be found on page 3, lines 8-9, of the specification. Support for claims 18, 22, 26, 29, and 32 can be found on page 3, line 11, of the specification. Support for claims 19, 23, 27, 30, and 33 can be found on page 6, lines 12-17, 22-23, and 28; and page 7, line 6, of the specification and in Examples 1, 3-8, and 13-15. No new matter is added.

Applicants' response to the Examiner's Office Action is as follows.

Information Disclosure Statement

The Examiner states that the information disclosure statement submitted on January 12, 2006 was not considered because Applicants failed to submit the Farina, et al. reference. Applicants respectfully submit that the IDS submitted January 12, 2006 was in compliance with 37 CFR §1.97 and should have been considered at the time of submission. The Farina, et al. reference was cited in the International Search Report of PCT/US2004/022706 and it is Applicants' understanding that a copy of the reference was supplied to the USPTO by the International Bureau.

To expedite prosecution of this application, Applicants have included herewith a copy of the Farina, et al. reference. Applicants respectfully request that the reference be considered by the Examiner.

Claim Rejections -35 USC §112, first paragraph

The Examiner has rejected claims 1 and 9-15 under 35 U.S.C. §112, first paragraph, because the specification, while enabling for a method of treating urinary

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incontinence, overactive bladder, and pollakiuria, allegedly does not provide enablement for a method of inhibiting urinary incontinence, overactive bladder, and pollakiuria or for a method of treating or inhibiting diseases associated with detrusor instability, cystitis, urethritis, and kidney stone ailments. Solely in order to expedite prosecution of this application, Applicants have amended claim 1 to limit the claim to a method of treating urinary incontinence, overactive bladder, and pollakiuria. Applicants have also cancelled claims 12-15. In light of these amendments, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Claim Rejections- 35 USC §112, second paragraph

The Examiner has rejected claims 1 and 9-15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner specifically states that the diseases “overactive bladder”, “urge incontinence” and “irritable bladder” are alternative names of each other and ultimately refer to the same disease. According to the Examiner, it is unclear what Applicants are actually trying to claim in claim 1. Solely in order to expedite prosecution of this application, Applicants have amended claim 1 to remove the words “urge incontinence” and “irritable bladder” from the claim. Applicants have also cancelled claims 12-15. In light of these amendments, Applicants respectfully request that the rejection be reconsidered and withdrawn.

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Conclusion

Applicants respectfully request that this amendment be considered and entered into the record because it addresses each of the Examiner's rejections and places the claims in condition for allowance. In the event that this amendment does not place the claims in condition for allowance, Applicants respectfully request that the amendment be entered as it puts the claims in better condition for appeal.

Authorization is hereby granted to charge any fees which may be required by this paper to Deposit Account No. 19-2570. Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned agent at the number below.

Respectfully submitted,



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